

BILL NO. Z-72-05-06

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. BB9.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1A District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. BB9 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

All of Lots Numbered 73, 74, 75 and Lot 76,  
except the West 45 feet, in Lillie Place Addition,  
City of Fort Wayne, County of Allen, Indiana.  
As recorded in Plat Book 4, Page 10.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Eugene Kraus  
Councilman

Councilman

APPROVED AS TO FORM  
AND LEGALITY, \_\_\_\_\_

CITY ATTORNEY

Read the first time in full and on motion by Kraus seconded by Stier and duly adopted, read the second time by title and referred to the Committee on Regulations (and to the City Plan Commission for recommendation) ~~(and Public Hearing to be held after due legal notice, at the Council Chambers, City County Building, Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.~~

Date: May 9, 1972 Charles W. Tishman  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and duly adopted, placed on its passage.  
Passed (LOST) by the following vote:

	AYES _____	NAYS _____	ABSTAINED _____	ABSENT _____ to-wit:
Burns	_____	_____	_____	_____
Hinga	_____	_____	_____	_____
Kraus	_____	_____	_____	_____
Nuckols	_____	_____	_____	_____
Moses	_____	_____	_____	_____
Schmidt, D.	_____	_____	_____	_____
Schmidt, V.	_____	_____	_____	_____
Stier	_____	_____	_____	_____
Talarico	_____	_____	_____	_____

Date \_\_\_\_\_ Charles W. Tishman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST: (SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_-at the hour of \_\_\_\_\_ o'clock \_\_\_\_ M., E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_ at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ m., E.S.T.

\_\_\_\_\_  
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 9, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-05-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 15, 1972, and,

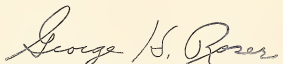
WHEREAS, a letter requesting withdrawal of the proposed ordinance has been filed with the City Plan Commission by the attorney representing the petitioner;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request of the attorney representing the petitioner;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 22, 1972.

Certified and signed this  
6th day of June 1972.



George Poser  
Secretary

Bill No. Z-72-05-06

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on REGULATIONS to whom was referred an Ordinance  
amending the City of Fort Wayne Zoning Map No. BB9.

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance be withdrawn

Eugene Kraus, Jr. - Chairman

James S. Stier - Vice-Chairman

William T. Hinga

Paul "Mike" Burns

Vivian G. Schmidt

*Eugene Kraus, Jr.*

*James S. Stier*

*William T. Hinga*

*Paul "Mike" Burns*

*Vivian G. Schmidt*

CONCURRED IN

DATE 6-13-72 CHARLES W. WESTERMAN, CITY CLERK

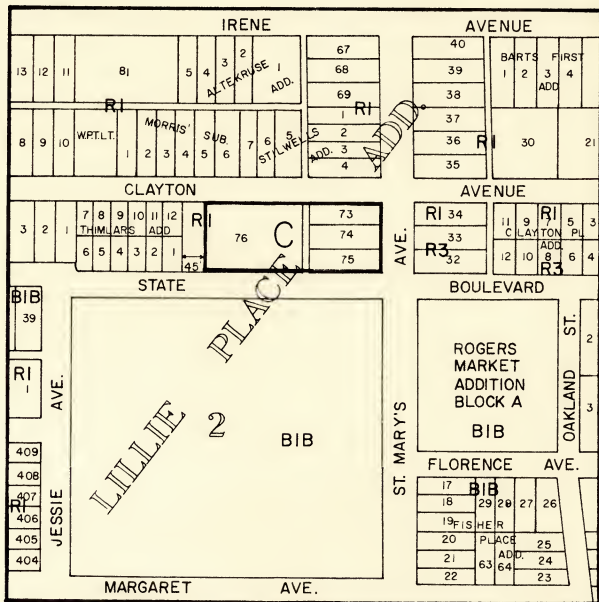
## RECEIPT

No 133

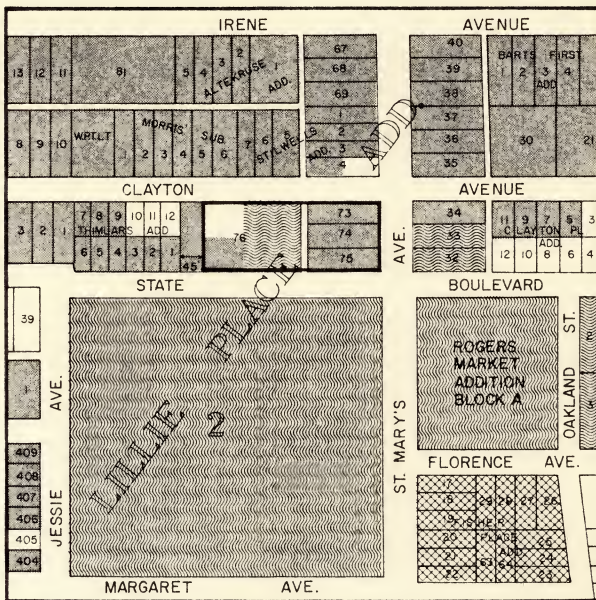
GENERAL FUND

FT. WAYNE, IND. April 21 19 72RECEIVED FROM Harding, Dahm, & Company \$ 5000THE SUM OF Fifty and no/100 100 DOLLARSON ACCOUNT OF All of Lot Numbered 70, 74, 75, and  
Lot 76 except West 45'Barb Stebbins

AUTHORIZED SIGNATURE

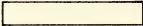





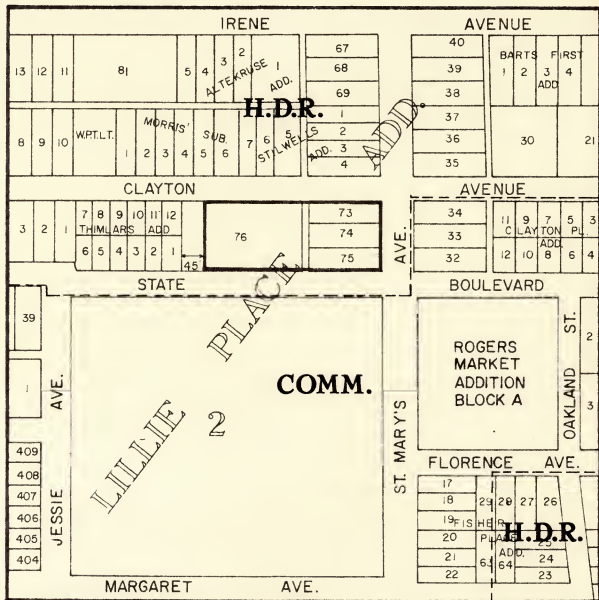
'C' CHANGE FROM RI TO BIA  
2-72-05-06



# EXISTING LAND USE MAP

2-12-05-06

-  - VACANT LAND
-  - LOW DENSITY RESIDENTIAL
-  - HIGH DENSITY RESIDENTIAL
-  - COMMERCIAL



# PROPOSED LAND USE MAP

----- LAND USE AREA

**H.D.R.** - HIGH DENSITY RESIDENTIAL

**COMM.** - COMMERCIAL



CITY PLAN COMMISSION  
City-County Building  
One Main Street  
Fort Wayne, Indiana

Mr. Ralph Blume  
344 Utility Building  
Fort Wayne, Indiana 46802

Dear Ralph:

The forwarding of this petition to rezone was delayed because of the existing requirement for a thorough check of the description by the City Engineering Department.

We received this petition on April 21, 1972.

It would be appreciated if this petition could be assigned a Bill Number in the order that the request came to us.

Sincerely,

CITY PLAN COMMISSION

*Marshall Snyder*  
Marshall Snyder  
Draftsman

MS:mo

PETITION FOR ZONING ORDINANCE AMENDMENT

Receipt No. \_\_\_\_\_

TO: COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA

Date Filed \_\_\_\_\_  
Intended Use Inside seating restaurant.

I/We Wayne E. Sheets, Maynard D. Faith and Thomas Foy, M.D.  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R-1 District to a/an B-1A District the property described as follows:

All of Lots Numbered 73, 74, 75 and Lot 76, except the West 45  
feet, in Lillie Place Addition, City of Fort Wayne, County of  
Allen, Indiana. As recorded in Plat Book 4, Page 10.

(Legal Description)

Area bounded on the south by West State Boulevard; bounded on the east by  
St. Marys Avenue; bounded on the north by Clayton Avenue; and bounded on  
the west by a line 45' east of and parallel to the east property line of  
Lots 1 & 12 Thimlar's Addition.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Wayne E. Sheets</u>	<u>816 Spring St., Ft. Wayne, Ind.</u>	<u>Wayne E. Sheets</u>
<u>Maynard D. Faith</u>	<u>1807 Tecumseh, Ave. Ft. Wayne, Ind.</u>	<u>Maynard D. Faith</u>
<u>Thomas Foy, M.D.</u>	<u>1104 W. State Blvd., Ft. Wayne, Ind.</u>	<u>Thomas Foy, M.D.</u>

(Name)

(Address)

(Signature)

Legal Description Checked By: C. D. Embury, Jr. R. E. Embury May 1, 1972  
(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

<u>Thomas Logan, Attorney-at-law</u>	<u>Indiana Bank Building</u>	<u>422-9454</u>
(Name)	(Address)	(Telephone Number)

City Plan Commission, City-County Building, Room 800, One Main Street,  
Fort Wayne, Indiana 46802 Telephone Number 423-7571

Agent - Michael C. Dahm  
HARDING, DAHM & COMPANY  
1400 Lincoln Bank Tower 742-7125

LAW OFFICES

ROTHBERG, GALLMEYER, FRUECHTENICHT & LOGAN

SOL ROTHBERG  
THOMAS A. GALLMEYER  
GEORGE E. FRUECHTENICHT  
THOMAS D. LOGAN  
PHILLIP E. GUTMAN  
JOHN H. HEINEY  
VERN E. SHELDOON  
F. WALTER RIESENACK  
DONALD M. AIKMAN  
MARTIN T. FLETCHER  
DAVID A. TRAVELSTEAD  
RICHARD D. ROBINSON

AREA CODE 219  
TELEPHONE 422-9454

INDIANA BANK BUILDING  
FORT WAYNE, INDIANA  
46802

May 23, 1972

City Plan Commission  
City-County Building  
Fort Wayne, Indiana 46802

Attention: Mr. Jones,  
Executive Secretary


Re: Bill No. Z-72-05-06 From "R1" to  
"B1A", Lots 73, 74 & 75 and all  
of Lot 76, except the west 45 feet,  
in Lillie Place Addition, located  
on the west side of St. Marys  
Avenue between Clayton Avenue and  
State Blvd.

Gentlemen:

Please let this letter serve as a formal request on  
behalf of the applicant for withdrawal of the above applica-  
tion requesting a reclassification of the subject property  
to a "B-1-A" classification.

Respectfully submitted

ROTHBERG, GALLMEYER,  
FRUECHTENICHT & LOGAN

By   
Thomas D. Logan  
Attorneys for Petitioning  
Landowner

TDL:al

H. Hayne, del  
May 12, 1972

Dear Sir:

I am unable to attend this meeting.  
I object to this rezoning of these properties.  
The traffic is congested at the present time,  
and this change would make it worse. I  
think the plan commission should realize  
that the lives of the children should be  
considered before an action like this is  
even given any consideration. The shopping  
center is enough and this is my decision.

Yours Truly

Phyllis D. Affolter  
2410 St. Margaret  
H. Hayne, del.